



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** InterAmerica Research Associates, Inc.

**File:** B-237306.2

**Date:** February 20, 1990

Juan J. Gutierrez, for the protester.  
Jeffrey C. Morhardt, Esq., Office of the General Counsel,  
Department of Education, for the agency.  
Paul E. Jordan, Esq., and John F. Mitchell, Esq., Office of  
the General Counsel, GAO, participated in the preparation of  
the decision.

### DIGEST

Agency satisfied obligation to conduct meaningful discussions where it imparted sufficient information to protester with regard to various perceived weaknesses to afford it a fair and reasonable opportunity, in the context of the procurement, to identify and correct the deficiencies in its proposal.

### DECISION

InterAmerica Research Associates, Inc., protests award of a cost reimbursement contract to George Washington University (GWU) under request for proposals (RFP) No. 89-041, issued by the Department of Education, to operate the National Clearinghouse for Bilingual Education (Clearinghouse). The Clearinghouse collects, analyzes, and disseminates information about bilingual education and bilingual education programs. InterAmerica contends that it was not provided proper and meaningful discussions and that the agency improperly awarded the contract to a higher cost offeror.

We deny the protest.

Offerors were required to propose all personnel, materials, services, and facilities necessary to perform 14 enumerated tasks including database development and management and providing accessibility to the database for user conducted searches. Proposals were evaluated in four areas:  
(1) technical quality (35 points); (2) personnel

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(30 points); (3) project management (15 points); and (4) corporate capabilities (10 points). Award was to be made to the offeror whose proposal represented the combination of technical merit and cost most favorable to the government, with technical considerations being of paramount importance.

Four offerors, including InterAmerica and GWU, submitted proposals by the June 26, 1989, closing date. InterAmerica, GWU, and a third offeror were evaluated as technically unacceptable, but capable of being made acceptable, and were included in the competitive range. Written discussion questions were sent to each competitive range offeror on September 14, with responses due on September 18. Oral discussions were conducted by telephone on September 19. Written cost questions and additional technical questions were subsequently provided, with responses to be part of the offerors' best and final offers (BAFOs) due by September 22.

After evaluating the BAFOs, the technical evaluation panel found that only GWU was acceptable with a score of 83.3. Although InterAmerica's score improved (from 68.4 to 69.8), the panel found it still had deficiencies in the area of database structure, personnel, and quality assurance standards. GWU's cost proposal was \$858,619 and InterAmerica's was \$783,533. The contracting officer considered the BAFOs, technical scores, analysis, and recommendations, and determined that GWU's offer was most advantageous. The GWU proposal was technically superior and its cost was below the government estimate, while InterAmerica was rated technically unacceptable.

InterAmerica contends that the agency failed to conduct proper and meaningful negotiations. Although the protester complains generally about the discussion questions it was asked, it focuses on a single inquiry as evidence of the agency's failure to afford it an opportunity to clarify issues raised in the review process.<sup>1/</sup>

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<sup>1/</sup> InterAmerica identifies another question of which it requested, but never received, clarification. While it states that the agency advised that the question would be dropped from the list, InterAmerica complains that since there is no evidence that the evaluation panel was so informed, it does not know if the omission affected its technical score. We have reviewed the evaluation sheets of the panel for both the initial and revised proposals and find nothing to suggest that InterAmerica's score was affected by its failure to respond to this question. Thus, we find no merit in this complaint.

One of the evaluators on the panel identified various weaknesses in InterAmerica's proposed databases. The identification of the weaknesses appears to have been prompted in part by InterAmerica's description of its on-line search process which the evaluator noted would "be repeated in each database to be searched, with modifications of the basic search strategy made to accommodate the searching requirements of each database." In particular, the evaluator observed that the "proposed system requires separate searches of separate databases for both staff and outside users; repeated searches for the same information done on separate files becomes impossibly cumbersome." At the end of his evaluation, the evaluator suggested as a negotiation question:

"Has InterAmerica considered changes to the structure of the database files that would make the search procedures less cumbersome and repetitive for both staff and public users? Have you considered linking the files in such a way that a single set of search commands will examine all databases sequentially without repeating the search procedure?"

Instead of asking this suggested question, however, the agency asked a question which virtually quotes the more detailed weakness identified by the evaluator. In addition, in a separate question, the agency asked InterAmerica to justify the proposed structure of its database files showing how it would propose meaningful change to consolidate or better coordinate the current file structure. InterAmerica maintains that it did not realize that the intent of the questions was to ascertain whether simultaneous searches in different databases could be made with a single set of search questions. According to the protester, its system offers just such a feature and it could easily have explained this had the agency used the "suggested" question.

In evaluating whether there has been sufficient disclosure of deficiencies in discussions, the focus is not on whether the agency described the deficiencies in such intimate detail that there could be no doubt as to their identification and nature, but whether the agency imparted sufficient information to the offeror to afford it a fair and reasonable opportunity, in the context of the procurement, to identify and correct the deficiencies in its proposal. See Pauli & Griffin, B-234191, May 17, 1989, 89-1 CPD ¶ 473. There is no requirement that agencies conduct all-encompassing discussions; rather, agencies are only required to reasonably lead offerors into those areas of

their proposals needing amplification given the context of the procurement. Id.

We have reviewed InterAmerica's proposal, evaluations, discussion questions, and BAFO and find that the agency conducted meaningful discussions with the protester. While the "suggested" question may now be interpreted as being a clearer indication of the agency's intent, we find that questions actually asked imparted sufficient information to afford the protester a fair and reasonable opportunity to correct the weakness identified with its database structure.

Our conclusion is not changed by the agency's handling of a similar identified weakness in GWU's proposal wherein the offeror was asked specifically whether it planned to integrate separate files such that a single set of search commands could be used. We find that identifying "repeated searches for the same information done in separate files" as an "impossibly cumbersome task," was sufficient to lead the protester to clarify the capabilities of its system. In any event, we note that had InterAmerica improved its score in this area, it is not at all clear that its deficiencies in personnel and quality assurance would not have continued to make it technically unacceptable.

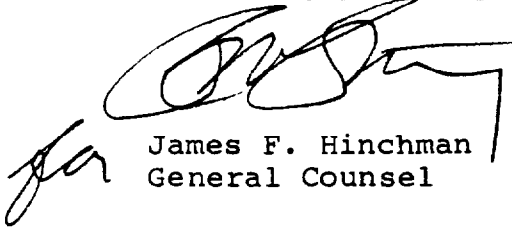
Without specifying other examples of the lack of meaningful discussions, InterAmerica suggests we compare the evaluations, questions asked, and responses given. From our review of the record, we note that the agency asked some 26 technical questions and 36 cost questions drawn from the evaluations conducted by the panel. While InterAmerica sought clarification of some questions, it has not identified any situations where any lack of clarification resulted in a lower technical score. Further, the agency identifies InterAmerica as the contractor which originally set up and operated the Clearinghouse from 1977 to 1986, and thus, was not an inexperienced offeror, arguably entitled to some deference in its lack of understanding of the agency's requirements. Under the circumstances, we find no evidence that InterAmerica was denied meaningful discussions during this procurement.

InterAmerica also argues that the agency improperly awarded the contract to a higher cost offeror. Inasmuch as InterAmerica was not technically acceptable, and thus not in line for award, it is not an interested party to complain about the award to GWU. See Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1989).

Finally, with regard to InterAmerica's observation that the agency evaluated the BAFOs with only four of the five

members of the original evaluation panel, there is no requirement that the entire panel be reconvened to review revised proposals. Pelavin Assocs., Inc., B-222556, July 24, 1986, 86-2 CPD ¶ 104.

Accordingly, the protest is denied.

A handwritten signature in black ink, appearing to read 'JF Hinchman', is written over the typed name and title.

James F. Hinchman  
General Counsel